

Chapter 123

S.B. No. 14

1 AN ACT

2 relating to requirements to vote, including presenting proof of

3 identification; providing criminal penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 13.002, Election Code, is amended by  
6 adding Subsection (i) to read as follows:

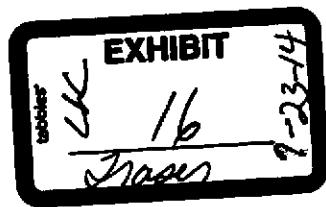
7        (i) An applicant who wishes to receive an exemption from the  
8 requirements of Section 63.001(b) on the basis of disability must  
9 include with the person's application:

10 (1) written documentation:

17                   (2) a statement in a form prescribed by the secretary  
18 of state that the applicant does not have a form of identification  
19 acceptable under Section 63-0101.

20 SECTION 2. Section 15.001, Election Code, is amended by  
21 adding Subsection (c) to read as follows:

22        (c) A certificate issued to a voter who meets the  
23 certification requirements of Section 13.002(i) must contain an  
24 indication that the voter is exempt from the requirement to present



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1 identification other than the registration certificate before  
2 being accepted for voting.

3 SECTION 3. Effective September 1, 2011, Subchapter A,  
4 Chapter 15, Election Code, is amended by adding Section 15.005 to  
5 read as follows:

6 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS.

7 (a) The voter registrar of each county shall provide notice of the  
8 identification requirements for voting prescribed by Chapter 63 and  
9 a detailed description of those requirements with each voter  
10 registration certificate issued under Section 13.142 or renewal  
11 registration certificate issued under Section 14.001.

12 (b) The secretary of state shall prescribe the wording of  
13 the notice to be included on the certificate under this section.

14 SECTION 4. Subsection (a), Section 15.022, Election Code,  
15 is amended to read as follows:

16 (a) The registrar shall make the appropriate corrections in  
17 the registration records, including, if necessary, deleting a  
18 voter's name from the suspense list:

19 (1) after receipt of a notice of a change in  
20 registration information under Section 15.021;

21 (2) after receipt of a voter's reply to a notice of  
22 investigation given under Section 16.033;

23 (3) after receipt of a registration omissions list and  
24 any affidavits executed under Section 63.006 [63.007], following an  
25 election;

26 (4) after receipt of a voter's statement of residence  
27 executed under Section 63.0011;

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(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

3 (6) after receipt of United States Postal Service  
4 information indicating an address reclassification;

(8) after receipt of a registration application or  
change of address under Chapter 20.

9 SECTION 5. Effective September 1, 2011, Subchapter A,  
10 Chapter 31, Election Code, is amended by adding Section 31.012 to  
11 read as follows:

12 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The  
13 secretary of state and the voter registrar of each county that  
14 maintains a website shall provide notice of the identification  
15 requirements for voting prescribed by Chapter 63 on each entity's  
16 respective website in each language in which voter registration  
17 materials are available. The secretary of state shall prescribe  
18 the wording of the notice to be included on the websites.

19        (b) The secretary of state shall conduct a statewide effort  
20 to educate voters regarding the identification requirements for  
21 voting prescribed by Chapter 63.

22 (c) The county clerk of each county shall post in a  
23 prominent location at the clerk's office a physical copy of the  
24 notice prescribed under Subsection (a) in each language in which  
25 voter registration materials are available.

26 SECTION 6. Effective September 1, 2011, Section 32.111,  
27 Election Code, is amended by adding Subsection (c) to read as

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1 follows:

2        (c) The training standards adopted under Subsection (a)  
3 must include provisions on the acceptance and handling of the  
4 identification presented by a voter to an election officer under  
5 Section 63.001.

6        SECTION 7. Effective September 1, 2011, Subsection (a),  
7 Section 32.114, Election Code, is amended to read as follows:

8        (a) The county clerk shall provide one or more sessions of  
9 training using the standardized training program and materials  
10 developed and provided by the secretary of state under Section  
11 32.111 for the election judges and clerks appointed to serve in  
12 elections ordered by the governor or a county authority. Each  
13 election judge shall complete the training program. Each election  
14 clerk shall complete the part of the training program relating to  
15 the acceptance and handling of the identification presented by a  
16 voter to an election officer under Section 63.001.

17        SECTION 8. Chapter 62, Election Code, is amended by adding  
18 Section 62.016 to read as follows:

19        Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE  
20 POLLING PLACES. The presiding judge shall post in a prominent place  
21 on the outside of each polling location a list of the acceptable  
22 forms of identification. The list must be printed using a font that  
23 is at least 24-point. The notice required under this section must  
24 be posted separately from any other notice required by state or  
25 federal law.

26        SECTION 9. Section 63.001, Election Code, is amended by  
27 amending Subsections (b), (c), (d), and (f) and adding Subsections

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1 (g) and (h) to read as follows:

2 (b) Except as provided by Subsection (h), on [or] offering  
3 to vote, a voter must present to an election officer at the polling  
4 place one form of identification described by Section 63.0101 [the  
5 voter's voter registration certificate to an election officer at  
6 the polling place].

7 (c) On presentation of the documentation required under  
8 Subsection (b) [a registration certificate], an election officer  
9 shall determine whether the voter's name on the documentation  
10 [registration certificate] is on the list of registered voters for  
11 the precinct. If in making a determination under this subsection  
12 the election officer determines under standards adopted by the  
13 secretary of state that the voter's name on the documentation is  
14 substantially similar to but does not match exactly with the name on  
15 the list, the voter shall be accepted for voting under Subsection  
16 (d) if the voter submits an affidavit stating that the voter is the  
17 person on the list of registered voters.

18 (d) If, as determined under Subsection (c), the voter's name  
19 is on the precinct list of registered voters and the voter's  
20 identity can be verified from the documentation presented under  
21 Subsection (b), the voter shall be accepted for voting.

22 (f) After determining whether to accept a voter, an election  
23 officer shall return the voter's documentation [registration  
24 certificate] to the voter.

25 (g) If the requirements for identification prescribed by  
26 Subsection (b) are not met, the voter may be accepted for  
27 provisional voting only under Section 63.011. For a voter who is

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1 not accepted for voting under this section, an election officer  
2 shall:

3 (1) inform the voter of the voter's right to cast a  
4 provisional ballot under Section 63.011; and

5 (2) provide the voter with written information, in a  
6 form prescribed by the secretary of state, that:

7 (A) lists the requirements for identification;

8 (B) states the procedure for presenting  
9 identification under Section 65.0541;

10 (C) includes a map showing the location where  
11 identification must be presented; and

12 (D) includes notice that if all procedures are  
13 followed and the voter is found to be eligible to vote and is voting  
14 in the correct precinct, the voter's provisional ballot will be  
15 accepted.

16 (h) The requirements for identification prescribed by  
17 Subsection (b) do not apply to a voter who is disabled and presents  
18 the voter's voter registration certificate containing the  
19 indication described by Section 15.001(c) on offering to vote.

20 SECTION 10. Subsection (a), Section 63.0011, Election Code,  
21 is amended to read as follows:

22 (a) Before a voter may be accepted for voting, an election  
23 officer shall ask the voter if the voter's residence address on the  
24 precinct list of registered voters is current and whether the voter  
25 has changed residence within the county. If the voter's address is  
26 omitted from the precinct list under Section 18.005(c), the officer  
27 shall ask the voter if the voter's residence, if [as] listed, on

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1 identification presented by the voter under Section 63.001(b) [the  
2 voter's voter registration certificate] is current and whether the  
3 voter has changed residence within the county.

4 SECTION 11. Effective September 1, 2011, Chapter 63,  
5 Election Code, is amended by adding Section 63.0012 to read as  
6 follows:

7 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO  
8 CERTAIN VOTERS. (a) An election officer shall distribute written  
9 notice of the identification that will be required for voting  
10 beginning with elections held after January 1, 2012, and  
11 information on obtaining identification without a fee under Chapter  
12 521A, Transportation Code, to each voter who, when offering to  
13 vote, presents a form of identification that will not be sufficient  
14 for acceptance as a voter under this chapter beginning with those  
15 elections.

16 (b) The secretary of state shall prescribe the wording of  
17 the notice and establish guidelines for distributing the notice.

18 (c) This section expires September 1, 2017.

19 SECTION 12. Section 63.006, Election Code, is amended to  
20 read as follows:

21 Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION [~~CORRECT~~  
22 ~~CERTIFICATE~~] WHO IS NOT ON LIST. (a) A voter who, when offering to  
23 vote, presents the documentation required under Section 63.001(b)  
24 [~~a voter registration certificate indicating that the voter is~~  
25 ~~currently registered in the precinct in which the voter is offering~~  
26 ~~to vote,~~] but whose name is not on the precinct list of registered  
27 voters[~~r~~] shall be accepted for voting if the voter also presents a

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1 voter registration certificate indicating that the voter is  
2 currently registered:

3 (1) in the precinct in which the voter is offering to  
4 vote; or

5 (2) in a different precinct in the same county as the  
6 precinct in which the voter is offering to vote and the voter  
7 executes an affidavit stating that the voter:

8 (A) is a resident of the precinct in which the  
9 voter is offering to vote or is otherwise entitled by law to vote in  
10 that precinct;

11 (B) was a resident of the precinct in which the  
12 voter is offering to vote at the time the information on the voter's  
13 residence address was last provided to the voter registrar;

14 (C) did not deliberately provide false  
15 information to secure registration in a precinct in which the voter  
16 does not reside; and

17 (D) is voting only once in the election.

18 (b) After the voter is accepted, an election officer shall:

19 (1) indicate beside the voter's name on the poll list  
20 that the voter was accepted under this section; and

21 (2) enter the voter's name on the registration  
22 omissions list.

23 SECTION 13. Section 63.009, Election Code, is amended to  
24 read as follows:

25 Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST.

26 A ~~(a) Except as provided by Subsection (b), a~~ voter who does not  
27 present a voter registration certificate when offering to vote, and

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1 whose name is not on the list of registered voters for the precinct  
2 in which the voter is offering to vote, shall be accepted for  
3 provisional voting if the voter executes an affidavit in accordance  
4 with Section 63.011.

5 ~~[(b) If an election officer can determine from the voter~~  
6 ~~registrar that the person is a registered voter of the county and~~  
7 ~~the person presents proof of identification, the affidavits~~  
8 ~~required by Sections 63.007 and 63.008 are substituted for the~~  
9 ~~affidavit required by Section 63.011 in complying with that~~  
10 ~~section. After the voter is accepted under this subsection, an~~  
11 ~~election officer shall also indicate beside the voter's name on the~~  
12 ~~poll list that the voter was accepted under this section.]~~

13 SECTION 14. Section 63.0101, Election Code, is amended to  
14 read as follows:

15 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.  
16 The following documentation is an acceptable form ~~[as proof]~~ of  
17 photo identification under this chapter:

18 (1) a driver's license, election identification  
19 certificate, or personal identification card issued to the person  
20 by the Department of Public Safety that has not [or a similar  
21 document issued to the person by an agency of another state,  
22 regardless of whether the license or card has] expired or that  
23 expired no earlier than 60 days before the date of presentation;

24 (2) a United States military identification card that  
25 contains the person's photograph that has not expired or that  
26 expired no earlier than 60 days before the date of presentation  
27 [form of identification containing the person's photograph that

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1 establishes the person's identity];

2 (3) a [birth certificate or other document confirming  
3 birth that is admissible in a court of law and establishes the  
4 person's identity;

5 [(4)] United States citizenship certificate [papers]  
6 issued to the person that contains the person's photograph;

7 (4) [(5)] a United States passport issued to the  
8 person that has not expired or that expired no earlier than 60 days  
9 before the date of presentation; or

10 (5) a license to carry a concealed handgun issued to  
11 the person by the Department of Public Safety that has not expired  
12 or that expired no earlier than 60 days before the date of  
13 presentation

14 [(6) official mail addressed to the person by name  
15 from a governmental entity;

16 [(7) a copy of a current utility bill, bank statement,  
17 government check, paycheck, or other government document that shows  
18 the name and address of the voter; or

19 [(8) any other form of identification prescribed by  
20 the secretary of state].

21 SECTION 15. Section 63.011, Election Code, is amended by  
22 amending Subsections (a) and (b) and adding Subsection (b-1) to  
23 read as follows:

24 (a) A person to whom Section 63.001(g) [63.008(b)] or 63.009  
25 [63.009(a)] applies may cast a provisional ballot if the person  
26 executes an affidavit stating that the person:

27 (1) is a registered voter in the precinct in which the

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1 person seeks to vote; and

2 (2) is eligible to vote in the election.

3 (b) A form for an affidavit required by this section must  
4 [shall] be printed on an envelope in which the provisional ballot  
5 voted by the person may be placed and must include:

6 (1) a space for entering the identification number of  
7 the provisional ballot voted by the person; and

8 (2) a space for an election officer to indicate  
9 whether the person presented a form of identification described by  
10 Section 63.0101.

11 (b-1) The affidavit form may include space for disclosure of  
12 any necessary information to enable the person to register to vote  
13 under Chapter 13. The secretary of state shall prescribe the form  
14 of the affidavit under this section.

15 SECTION 16. Subsection (b), Section 64.012, Election Code,  
16 is amended to read as follows:

17 (b) An offense under this section is a felony of the second  
18 [third] degree unless the person is convicted of an attempt. In  
19 that case, the offense is a state jail felony [~~Class A misdemeanor~~].

20 SECTION 17. Subsection (b), Section 65.054, Election Code,  
21 is amended to read as follows:

22 (b) A provisional ballot shall [may] be accepted [only] if  
23 the board determines that:

24 (1) [r] from the information in the affidavit or  
25 contained in public records, the person is eligible to vote in the  
26 election and has not previously voted in that election;

27 (2) the person:

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1                             (A) meets the identification requirements of  
2 Section 63.001(b) at the time the ballot was cast or in the period  
3 prescribed under Section 65.0541;

4                             (B) notwithstanding Chapter 110, Civil Practice  
5 and Remedies Code, executes an affidavit under penalty of perjury  
6 that states the voter has a religious objection to being  
7 photographed and the voter has consistently refused to be  
8 photographed for any governmental purpose from the time the voter  
9 has held this belief; or

10                            (C) executes an affidavit under penalty of  
11 perjury that states the voter does not have any identification  
12 meeting the requirements of Section 63.001(b) as a result of a  
13 natural disaster that was declared by the president of the United  
14 States or the governor, occurred not earlier than 45 days before the  
15 date the ballot was cast, and caused the destruction of or inability  
16 to access the voter's identification; and

17                            (3) the voter has not been challenged and voted a  
18 provisional ballot solely because the voter did not meet the  
19 requirements for identification prescribed by Section 63.001(b).

20                           SECTION 18. Subchapter B, Chapter 65, Election Code, is  
21 amended by adding Section 65.0541 to read as follows:

22                           Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
23 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
24 voting under Section 63.011 because the voter does not meet the  
25 identification requirements of Section 63.001(b) may, not later  
26 than the sixth day after the date of the election:

27                           (1) present a form of identification described by

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1 Section 63.0101 to the voter registrar for examination; or  
2 (2) execute an affidavit described by Section  
3 65.054(b)(2)(B) or (C) in the presence of the voter registrar.  
4 (b) The secretary of state shall prescribe procedures as  
5 necessary to implement this section.

6 SECTION 19. Section 66.0241, Election Code, is amended to  
7 read as follows:

8 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4  
9 must contain:

10 (1) the precinct list of registered voters;  
11 (2) the registration correction list;  
12 (3) the registration omissions list;  
13 (4) any statements of residence executed under Section  
14 63.0011; and  
15 (5) any affidavits executed under Section 63.006  
16 [~~63.007~~] or 63.011.

17 SECTION 20. Subtitle B, Title 7, Transportation Code, is  
18 amended by adding Chapter 521A to read as follows:

19 CHAPTER 521A. ELECTION IDENTIFICATION CERTIFICATE

20 Sec. 521A.001. ELECTION IDENTIFICATION CERTIFICATE.  
21 (a) The department shall issue an election identification  
22 certificate to a person who states that the person is obtaining the  
23 certificate for the purpose of satisfying Section 63.001(b),  
24 Election Code, and does not have another form of identification  
25 described by Section 63.0101, Election Code, and:  
26 (1) who is a registered voter in this state and  
27 presents a valid voter registration certificate; or

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1                   (2) who is eligible for registration under Section  
2   13.001, Election Code, and submits a registration application to  
3   the department.

4                   (b) The department may not collect a fee for an election  
5   identification certificate or a duplicate election identification  
6   certificate issued under this section.

7                   (c) An election identification certificate may not be used  
8   or accepted as a personal identification certificate.

9                   (d) An election officer may not deny the holder of an  
10   election identification certificate the ability to vote because the  
11   holder has an election identification certificate rather than a  
12   driver's license or personal identification certificate issued  
13   under this subtitle.

14                  (e) An election identification certificate must be similar  
15   in form to, but distinguishable in color from, a driver's license  
16   and a personal identification certificate. The department may  
17   cooperate with the secretary of state in developing the form and  
18   appearance of an election identification certificate.

19                  (f) The department may require each applicant for an  
20   original or renewal election identification certificate to furnish  
21   to the department the information required by Section 521.142.

22                  (g) The department may cancel and require surrender of an  
23   election identification certificate after determining that the  
24   holder was not entitled to the certificate or gave incorrect or  
25   incomplete information in the application for the certificate.

26                  (h) A certificate expires on a date specified by the  
27   department, except that a certificate issued to a person 70 years of

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1 age or older does not expire.

2 SECTION 21. Sections 63.007 and 63.008, Election Code, are  
3 repealed.

4 SECTION 22. Effective September 1, 2011:

5 (1) as soon as practicable, the secretary of state  
6 shall adopt the training standards and develop the training  
7 materials required to implement the change in law made by this Act  
8 to Section 32.111, Election Code; and

9 (2) as soon as practicable, the county clerk of each  
10 county shall provide a session of training under Section 32.114,  
11 Election Code, using the standards adopted and materials developed  
12 to implement the change in law made by this Act to Section 32.111,  
13 Election Code.

14 SECTION 23. The change in law made by this Act in amending  
15 Subsection (b), Section 64.012, Election Code, applies only to an  
16 offense committed on or after January 1, 2012. An offense committed  
17 before January 1, 2012, is covered by the law in effect when the  
18 offense was committed, and the former law is continued in effect for  
19 that purpose. For purposes of this section, an offense is committed  
20 before January 1, 2012, if any element of the offense occurs before  
21 that date.

22 SECTION 24. Effective September 1, 2011, state funds  
23 disbursed under Chapter 19, Election Code, for the purpose of  
24 defraying expenses of the voter registrar's office in connection  
25 with voter registration may also be used for additional expenses  
26 related to coordinating voter registration drives or other  
27 activities designed to expand voter registration. This section

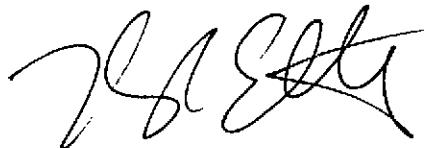
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1 expires January 1, 2013.

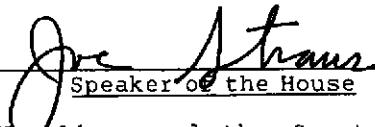
2 SECTION 25. Every provision in this Act and every  
3 application of the provisions in this Act are severable from each  
4 other. If any application of any provision in this Act to any  
5 person or group of persons or circumstances is found by a court to  
6 be invalid, the remainder of this Act and the application of the  
7 Act's provisions to all other persons and circumstances may not be  
8 affected. All constitutionally valid applications of this Act  
9 shall be severed from any applications that a court finds to be  
10 invalid, leaving the valid applications in force, because it is the  
11 legislature's intent and priority that the valid applications be  
12 allowed to stand alone. Even if a reviewing court finds a provision  
13 of this Act invalid in a large or substantial fraction of relevant  
14 cases, the remaining valid applications shall be severed and  
15 allowed to remain in force.

16 SECTION 26. Except as otherwise provided by this Act, this  
17 Act takes effect January 1, 2012.

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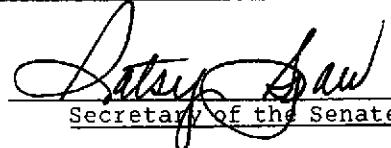


President of the Senate



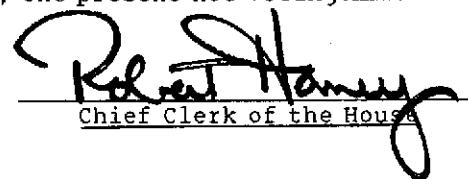
Speaker of the House

I hereby certify that S.B. No. 14 passed the Senate on January 26, 2011, by the following vote: Yeas 19, Nays 11; April 5, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; April 11, 2011, House granted request of the Senate; May 9, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 19, Nays 12.



Secretary of the Senate

I hereby certify that S.B. No. 14 passed the House, with amendments, on March 24, 2011, by the following vote: Yeas 101, Nays 48, one present not voting; April 11, 2011, House granted request of the Senate for appointment of Conference Committee; May 16, 2011, House adopted Conference Committee Report by the following vote: Yeas 98, Nays 46, one present not voting.

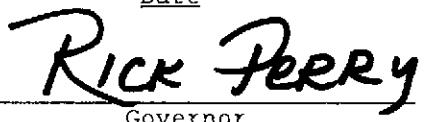


Chief Clerk of the House

Approved:

27 MAY '11

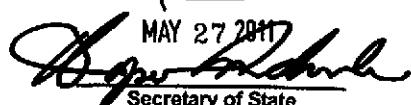
Date



Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

7:00PM O'CLOCK



MAY 27 2011

Secretary of State